

09/7428

527 Rec'd PCT/PTC 09 NOV 2000

ATTORNEY DOCKET NO.: 0342941-0045

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: President and Fellows of Harvard College, et al.
Serial No: PCT/US98/17691
Filing Date: August 26, 1998
Title: NOVEL TRANSCRIPTIONAL REGULATORS AND USES THEREFOR

Box PCT
Assistant Commissioner of Patents
Washington, DC 20231
Attn: PCT Legal Office

Sir:

TRANSMITTAL LETTER

Enclosed please find the following:

1. Request that papers be accepted and action be taken (2pgs);
2. Copy of Transmittal (1pg);
3. Copy of Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b) (2 pgs);
4. Copy of Statement that entire delay in filing reply was unintentional (1pg);
5. Copy of checks in the amount of \$605.00 to cover the small-entity petition fee under 37 C.F.R. §1.17(m) (1pg) and \$1110.00 to cover the small-entity National Stage filing fee under §35 U.S.C. §41(a) (1pg);
6. Copy of Instructions to Commence National Stage Under 35 U.S.C. §371(c) (1pg);
7. Copy of Patent Application Fee Determination Sheet for National Stage Filing (1pg);
8. Copy of Executed Small Entity Statement (6pgs);
9. Copy of three executed Declarations (9pgs);
10. Copy of Return Postcard (1pg); and
11. Return Postcard (1pg).

ATTORNEY DOCKET NO.: 0342941-0045 (HU01341-97/BU9759)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: President and Fellows of Harvard
College, et al. Examiner:
Serial No.: PCT/US98/17691 Art Unit:
Filing Date: August 26, 1998
Title: NOVEL TRANSCRIPTIONAL REGULATORS AND USES THEREFOR

Box PCT
Assistant Commissioner for Patents
Washington, DC 20231
Attn: PCT Legal Office

Sir:

REQUEST THAT PAPERS BE ACCEPTED AND ACTION BE TAKEN

The undersigned respectfully requests that action be taken on the above-referenced case. This case was filed as a PCT application on August 26, 1998, claiming priority to US Provisional Application Serial Number 60/056,857, filed August 27, 1997. A Chapter II Demand was filed in the case on March 25, 1999, so that the deadline for entering the National Phase in the US was thirty (30) months from the priority date, or February 27, 2000. Due to an inadvertent error, Instructions to Commence the National Phase under 35 USC § 371 ("Instructions") were not filed by that date, and the application was unintentionally abandoned.

A Petition for Revival of an International Application Abandoned Unintentionally, including complete Instructions ("Petition for Revival"), was submitted under 37 CFR § 1,137(b) on March 28, 2000. A copy of that Petition for Revival, including a copy of a stamped return postcard indicating that the Petition for Revival was received in the US PTO on April 5, 2000, is enclosed herewith.

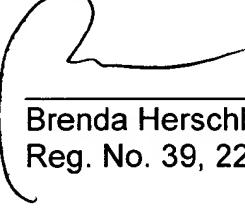
Applicant has not received any response to the Petition for Revival, and has received no indication that the present application is currently under examination. Applicant submitted a Status Inquiry on September 1, 2000, and placed telephone calls to the PCT Help Desk beginning on September 29, 2000. In a conversation with a PCT

Help Desk staff member on November 1, 2000, Applicant was instructed to file the present Request, including a copy of the Petition for Revival and stamped return postcard, and to request that the papers be accepted as a true copy of what was submitted on March 28, 2000.

Applicant hereby requests that the enclosed papers be accepted into the file as a true copy of the materials submitted on March 28, 2000. Applicant further requests that the application be accorded a Serial Number, and that examination of the application be initiated immediately.

It is the understanding of the undersigned that there are no fees associated with this matter. If this understanding is an error, please charge any fees to our Deposit Account No.03-1721.

Respectfully submitted,


Brenda Herschbach Jarrell, Ph.D.
Reg. No. 39, 223

ATTORNEYS FOR APPLICANT
Choate, Hall & Stewart
Exchange Place
53 State Street
Exchange Place
Boston, MA 02109
(617) 248-5000
Dated: November 6, 2000
3163407_1.DOC

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on 11-6-00
Clawson M. Nelson

ATTORNEY DOCKET NO.: 0342941-0031 (HU 01431-97)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: President and Fellows of Harvard College

Serial No.: PCT/US98/17691

Filing Date: August 26, 1998

Title: NOVEL TRANSCRIPTIONAL REGULATORS AND USES
THERFOR

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

TRANSMITTAL

Enclosed please find the following documents regarding the above-referenced matter:

- 1) Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b) (2 pages);
- 2) Statement that entire delay in filing reply was unintentional (1 page);
- 3) Check in the amount of \$605.00 to cover the small-entity petition fee under 37 C.F.R. §1.17(m)
- 4) Instructions to Commence National Stage Under 35 U.S.C. §371(c) (1 page);
- 5) Patent Application Fee Determination Sheet for National Stage Filing (1 page);
- 6) Check in the amount of \$1110.00 to cover the small-entity National Stage filing fee under §35 U.S.C. §41(a)
- 7) Executed Small Entity Statements (2 documents, 3 pages each);
- 8) Three executed Declarations (3 pages each); and
- 9) Return Postcard.

ATTORNEY DOCKET NO.: 0342941-0031 & 0045 (HU 01431-97)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: President and Fellows of Harvard College

Serial No.: PCT/US98/17691

Filing Date: August 26, 1998

Title: NOVEL TRANSCRIPTIONAL REGULATORS AND USES
THERFOR

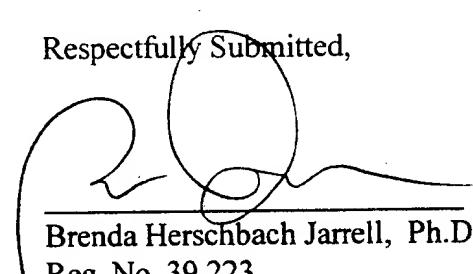
Assistant Commissioner of Patents
Washington, DC 20231

Sir:

STATEMENT UNDER 37 C.F.R. §1.137(b)(3)

The above-referenced International Patent Application became abandoned February 29, 2000, for failure to file Instructions to Commence the National Phase under 35 U.S.C. §371. The entire delay in filing the required Instructions, from the due date of February 28, 2000, until the filing of this Petition, was unintentional. As the responsible petitioner, I am in a position to know that such delay was unintentional. The Petition enclosed herewith is filed within two months of my becoming aware of the abandonment of the above referenced International Patent Application, and thus is considered prima facie timely under 37 C.F.R. §1.81(f).

Respectfully Submitted,



Brenda Herschbach Jarrell, Ph.D.
Reg. No. 39,223

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: March 28, 2000
Exchange 3106216.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231
on March 28, 2000
Brenda A. Jarrell

CHOATE, HALL & STEWART

Exchange Place
53 State Street
Boston, MA 02109-2891

FLEET BANK, N.A.

282835

5-13
110

PAY SIX HUNDRED FIVE AND 00/100 DOLLARS

DATE	03/28/00
NET AMOUNT	\$605.00

TO Comm of Patents & Trademarks
THE ORDER OF Washington, DC 20231

Frank J. Hall, Jr.
TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$20,000

" 2828351011000138100054 22720"

CHOATE, HALL & STEWART

Exchange Place
53 State Street
Boston, MA 02109-2891

FLEET BANK, N.A.

282501

5-13
110

PAY ONE THOUSAND ONE HUNDRED ELEVEN AND 00/100 DOLLARS

DATE	03/20/00
NET AMOUNT	\$1,111.00

TO Comm of Patents & Trademarks
THE ORDER OF Washington, DC 20231

Frank J. Hall, Jr.
TWO SIGNATURES REQUIRED FOR AMOUNTS OVER \$20,000

" 282501011000138100054 22720"

ATTORNEY DOCKET NO.: 0342941-0031 (HU 01431-97)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: President and Fellows of Harvard College
Serial No.: PCT/US98/17691
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Title: NOVEL TRANSCRIPTIONAL REGULATORS AND USES
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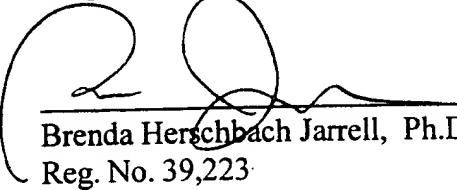
Assistant Commissioner of Patents
Washington, DC 20231

Sir:

INSTRUCTIONS TO COMMENCE NATIONAL STAGE UNDER 35 U.S.C. §371

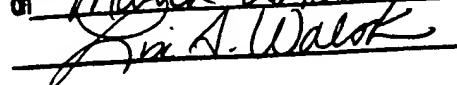
Applicant hereby requests commencement of the National Stage under 35 U.S.C. §371(c) for the above referenced International Patent Application. This Application became unintentionally abandoned for failure to initiate the National Stage. A Petition for Revival for the unintentional abandonment is attached herewith, along with all associated fees. A Patent Application Fee Determination Record is also attached, along with a check to cover the Patent Application Fee. The present Instructions constitute the Reply necessary for the Petition for Revival. Please charge any fees or credit any overpayments to our Deposit Account No. 03-1721.

Respectfully Submitted,


Brenda Herschbach Jarrell, Ph.D.
Reg. No. 39,223

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: March 28, 2000
Exchange 3106218.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231 on March 28, 2000



ATTORNEY DOCKET NO.: 0342941-0031 (HU 01431-97)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: President and Fellows of Harvard College
Serial No.: PCT/US98/17691
Filing Date: August 26, 1998
Title: NOVEL TRANSCRIPTIONAL REGULATORS AND USES
THERFOR

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

Patent Application Fee Determination Sheet for National Stage Filing under 35 U.S.C. §41

Basic National Filing Fee under 35 U.S.C. §41(a)(9):

Where the Patent and Trademark Office was the International Preliminary Examining Authority
(Small Entity): \$335.00

Additional Fees under 35 U.S.C. §§ 41(a)(13)-(15)(Small Entity):

Total Claims in Excess of 20: $(57 - 20) \times 9 = \$333.00$

Number of Independent Claims in Excess of 3: $(11 - 3) \times \$39 = \312.00

Multiple Dependent Claims: \$130.00

Total Filing Fee: \$1110.00

Enclosed is a check in the amount of \$1110.00 to cover the total small-entity National Stage Filing Fee. Please charge any additional fees, and credit any overpayments, to our Deposit Account No. 03-1721.

Respectfully Submitted,

Brenda Herschbaeh Jarrell, Ph.D.
Reg. No. 39,223

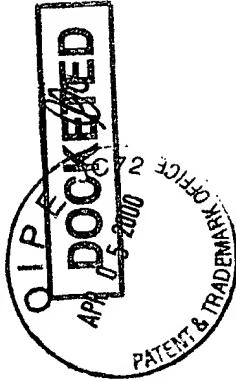
Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
Dated: March 28, 2000
Exchange 3106215.1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231
on March 28, 2000

Dawn A. Walsh

Date: March 28, 2000

528 Rec'd PCT/PTO 05 APR 2000



The Patent and Trademark Office stamping
sets forth and receipt date
(or both the receipt date and the Serial Number)
of a patent application identified as follows:

APPLICANTS: President and Fellows of Harvard College
SERIAL NO.: PCT/US98/17691
FILING DATE: August 26, 1998
TITLE: NOVEL TRANSCRIPTIONAL REGULATORS AND USES
THEREFOR

- (1) Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. §1.137(b) (2 pages)
- (2) Statement that entire delay in filing reply was unintentional (1 page)
- (3) Instructions to Commence National Stage Under 35 U.S.C. §371(c) (1 page)
- (4) Patent Application Fee Determination Sheet for National Stage Filing (1 page)
- (5) Executed Small Entity Statements (2 documents, 3 pages each)
- (6) Executed Declarations (Three) (3 pages each)
- (7) Check in the amount of \$1110.00
- (8) Check in the amount of \$605.00

Attorney: BHJ

Case No. 23/2341-0031-0055 (RH)

Date: March 28, 2000

The Patent and Trademark Office stamping
sets forth and receipt date
(or both the receipt date and the Serial Number)
of a patent application identified as follows:

APPLICANTS: President and Fellows of Harvard College
SERIAL NO.: PCT/US98/17691
FILING DATE: August 26, 1998
TITLE: NOVEL TRANSCRIPTIONAL REGULATORS AND USES
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- (7) Check in the amount of \$1110.00
- (8) Check in the amount of \$605.00

234291-0031/0045
~~234291-0032~~

Attorney: BHJ

Case No. ~~234291-0032~~